

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

FABIAN SANTIAGO, #B79716,)
Plaintiff,)
vs.) No. 05-512-MJR
SGT. CHILDERS, C/O SMITHSON, C/O)
ANDERSON, C/O STARKEY, C/O)
BERNARD, LT. DALLAS, LT. SIEPP,)
UNKNOWN PARTIES, WEISLEY)
WILES, COUNSELOR McNABB,)
GRIEVANCE OFFICER THENNY,)
WARDEN MOTE, SHERRY HILE,)
and DIRECTOR WALKER)
Defendants.)

ORDER

Before the Court is plaintiff's motion to compel defendants to respond to his requests for production propounded on or about December 7 and 20, 2006. (**Doc. 37**). Defendants Smithson, Starkey, Barnard, Dallas, Siepp, Mote, Hile-Benton, Walker and Mitchell respond that they did answer plaintiff's discovery request, but plaintiff has failed to address the objections they raised. (**Doc. 38**). Also before the Court is plaintiff's "rebuttal," wherein he asserts the defendants either have not made a proper search for the requested information and documents, or they are lying. (**Doc. 39**).

The defendants' responses and objections are all well taken. Plaintiff's bald assertions that the defendants must have certain documentation cannot carry the day. In the event it is later established that the defendants' responses were false or intentionally incomplete, severe sanctions will be imposed. The majority of the documents sought are not in the possession of the defendants, who are sued in their individual capacities. Plaintiff appears to have forgotten that the Illinois Department of

Corrections is not a defendant. Plaintiff is free to pay to have copies made of documents in the custody and control of the Department of Corrections.

Insofar as plaintiff seeks the defendants' disciplinary histories, and other grievances lodged against the defendants, the Court agrees that plaintiff's request is overly broad and irrelevant. Plaintiff's excessive force, retaliation and conditions of confinement claims must be established relative to the situations at issue, not a pattern and practice of behavior.

IT IS THEREFORE ORDERED that the subject motion (**Doc. 37**) is **DENIED**.

IT IS SO ORDERED.

DATED: September 10, 2007

s/ Clifford J. Proud
CLIFFORD J. PROUD
U. S. MAGISTRATE JUDGE